

AFFIDAVIT

State of Alabama

Elmore County

BEFORE ME, the undersigned Authority, appeared David (Danny) Donovan, who is known to me and who, having duly sworn, deposed and states as follows:

My name is David (Danny) Donovan, I have been a resident of Autauga County, Alabama, for more than six months and I am over the age of twenty-one years.

I am the Meat Processing Supervisor of Institutional Services Division of the Alabama Department of Corrections. My duties include the supervision of inmates assigned to Meat Processing Section.

"On January 31, 2006, Cedric Pugh, Plaintiff, was assigned to work at Meat Processing Section of Institutional Services Division. On same day he was trained and instructed to operate the Biro Automatic Feed Mixer Grinder. He operated the Biro Automatic Feed Mixer Grinder on January 31, 2006, February 1, 2006, February 2, 2006 and February 6, 2006. These were the training days Plaintiff Pugh operated the Brio Automatic Feed Mixer Grinder. From February 7, 2006 to February 22, 2006 Plaintiff Pugh was assigned another job task. On February 23, 2006, Plaintiff was assigned to operate the Biro Automatic Feed Mixer Grinder again due to the assigned inmate did not work that day. Plaintiff Pugh has never operated the Frozen Meat Chipper."

David Danny Donovan

David (Danny) Donovan

SWORN and SUBSCRIBED before me this the 25th day of May, 2006.

Elizabeth P. Burnett

NOTARY PUBLIC

Commission expires

My commission expires:

March 29, 2008

EXHIBIT

tabbies

D